

Fear Waddell, P.C.
 Peter L. Fear, No. 207238
 Gabriel J. Waddell, No. 256289
 7650 North Palm Avenue, Suite 101
 Fresno, California 93711
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UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA FRESNO

In re:	Case No.: 16-11024-B-13
MICHELLE MILLER,	DC NO: FW-1
	Chapter 13
Debtor(s).	FINAL APPLICATION FOR PAYMENT OF FEES AND EXPENSES PURSUANT TO 11 U.S.C. §330
	DATE: May 25, 2017 TIME: 1:30 p.m. PLACE: U.S. Courthouse, 5th Floor 2500 Tulare Street Fresno, California 93721 JUDGE: Honorable René Lastreto, II

1. SUMMARY TABLE

In the fields below, indicate the total compensation and or expenses requested in this application. Do not include amounts of compensation or expenses previously approved by the court. Prior approvals, including amounts, are set forth below in section 4.

a. Name of Applicant	Fear Waddell, P.C.
b. Amount of Compensation Requested	\$3,545.00
c. Amount of Expenses Requested	\$354.66
d. Total Compensation and Expenses Requested this Application	\$3,899.66
e. Time Period of Current Application	December 14, 2015 through February 22, 2017
f. Fees and Expenses to be paid by Trustee or Debtor Direct (Fee paid part by trustee and debtor explain in paragraph. 9 (3).)	Trustee
g. Number of Prior Fee Applications Approved	No Prior Fee Applications

2. ATTORNEY OPTION REGARDING COMPENSATION

Pursuant to LBR 2016-1, counsel for debtor previously opted to be paid in this Chapter 13 case as follows:

a. Elected to be paid in accordance with LBR 2016-1(c).	No (If "yes" complete 1-7 following and declaration #9(2) below)
1. Business Case	
2. Fees Charged	
3. Rights and Responsibilities Executed and Filed.	
4. Pre-filing Attorney Fees Received	
5. Fees in Plan	
6. Fees Paid to Date by Trustee	
7. Monthly Chapter 13 Administrative Payment	
b. Elected to have compensation determined in accordance with 11 U.S.C. §§329 and 330, Fed. R. Bankr. P. 2002, 2006, and 2017.	Yes
1. Pre-filing attorney fees paid	\$2,525.00 (plus filing fee)
2. Amount of Retainer Held in Trust	\$0
3. Total Amount Reserved for Atty. Fees in Plan (See Plan Para. 2.06 or 5.01)	\$5,000.00
4. Monthly amount provided in plan for administrative fees	\$138.89

3. CASE INFORMATION

a. Chapter 13 Plan Confirmed	Yes	Date Confirmed: June 8, 2016
b. Motion to Dismiss Pending	No	Date:
c. All Motions to Value Collateral/Avoid Liens Filed and Heard	Yes	
d. Motion to Modify Pending	No	
e. Notice of Filed Claims Filed	Yes	
f. All Objections to Claims Filed and Heard	Yes	

4. SUMMARY OF PREVIOUS FEES ALLOWED

Date of Hearing	Fees Allowed	Costs Allowed
N/A	N/A	N/A
Total		

5. CATEGORY FEE SUMMARY*(Only shows hours in category for current fee application not prior time spent in categories)*

Project	Hours	Total Fees Charged
B501-Pre-petition Consultation and Fact Gathering	2.20	\$715.00
B502-Preparation of Voluntary Petition, Schedules and Form 22C	3.60	\$882.00
B503-Independent Verification of Information	7.00	\$2,101.00
B505-Amendments to Petitions and/or Schedules		
B530-Original Plan, Hearings, Objections	0.10	\$34.00
B510-341 Preparation and Attendance	2.50	\$850.00
B531-1 st Amended or Modified Plan, Motions, Objections		
B532-2 nd Amended or Modified Plan, Motions, Objections		
B533-3 rd Amended or Modified Plan, Motions, Objections		
B520-Claim Administration and Claim Objections	0.40	\$71.00
B540-Motions to Dismiss		
B550-Relief From Stay Proceedings		
B560-Motions: <i>Example, Motions to Value Property, Motion to Avoid Liens, Motion to Incur Debt, Motion to Sell Property, other Motions.</i>		
B570-Fee Applications	3.80	\$743.00
B580-Discharge and Case Closing	2.00	\$560.00
B590-Case Administration	1.50	\$424.00
Other		
Total Fees Charged	23.10	\$6,380.00

6. EXPENSE SUMMARY

Type Of Expense	Amount
a. Postage	\$23.70
b. Photocopying	\$20.96
c. Filing Fees	\$310.00
d. Other	
Total Expenses	\$354.66

7. SUMMARY BY PROFESSIONAL

Professional	Hourly Rate	Total Hours	Total Fees This Person
a. Peter L. Fear (2015)	\$325.00	5.60	\$1,820.00
b. Peter L. Fear (2016)	\$340.00	7.70	\$2,618.00
c. Gabriel J. Waddell (2016)	\$260.00	0.50	\$130.00
d. Gabriel J. Waddell (2017)	\$280.00	0.70	\$196.00

e. Gabriel J. Waddell (2017) Estimated Time	\$280.00	2.00	\$560.00
f. Katie Waddell (2016)	\$150.00	4.40	\$660.00
g. Katie Waddell (2017)	\$180.00	2.00	\$360.00
h. Peter A. Sauer (2016)	\$180.00	0.20	\$36.00

8. SUMMARY OF EXHIBITS

Exhibit A	Narrative Summary
Exhibit B	Itemized Time Entry by Date
Exhibit C	Itemized Time Entries by Project
Exhibit D	Itemized Costs
Exhibit E	Fee Agreement
Exhibit F	Debtor(s) Consent: Attached as an exhibit

9. DECLARATIONS

(1) Penalty of Perjury:

Applicant declares under penalty of perjury under the laws of the United States of America that the foregoing Application and all attached supporting documentation are true and correct and accurately reflect the services rendered and expenses incurred.

(2) Attorney Option:

Applicant originally opted to receive fees pursuant to Local Bankruptcy Rule 2016-1 (c). (See 2. Above)

No; no explanation is required.

a. Facts:

(3) Chapter 13 Plan Feasibility:

I have reviewed the Chapter 13 Trustees data and the Chapter 13 Plan. If the fees and expenses sought to be approved are to be paid through the Chapter 13 Plan, the plan is feasible and will complete timely. If the fees and expenses are to be paid by the debtor(s) directly the following explains the source of the funds.

a. Facts:

Debtor's confirmed plan provides for attorney fees of \$5,000.00. This application is within that amount, making the plan feasible and able to complete timely.

(4) Unauthorized Payments:

I have not accepted or demanded from the debtor or any other person any payment for services or

costs reimbursement without first obtaining a court order authorizing the fees and/or costs and specifically permitting direct payment of those fees and/or costs by the debtor.

(5) Non-alteration of Form:

Other than, to insert text into designated spaces, expand tables to provide facts, the preprinted text of this form has not been altered. In the event there is an alteration, it will be given no effect. The signature of the applicant below is a certification that the standard Fee Application has not been altered.

(6) Sharing of Compensation:

I have not agreed to share the above disclosed compensation with another person unless they are members and associates of my law firm.

(7) Debtor(s) Consent:

I/we are the debtor(s) in the above-entitled bankruptcy proceeding. I/we have reviewed the Fee Application set forth above and have no objection thereto.

Debtor

Date

Debtor

Date

WHEREFORE, the Applicant requests:

That the Application for Fees and Costs be approved.

Such other and further relief as the Court deems proper.

Date: April 14, 2017

Respectfully Submitted,
/s/ Gabriel J. Waddell
Attorney for Debtor(s)

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA FRESNO

In re:	Case No.: 16-11024-B-13
MICHELLE MILLER,	DC NO: FW-1
	Chapter 13
Debtor(s).	EXHIBIT A: NARRATIVE TO FINAL APPLICATION FOR PAYMENT OF FEES AND EXPENSES PURSUANT TO 11 U.S.C. §330
	DATE: May 25, 2017 TIME: 1:30 p.m. PLACE: U.S. Courthouse, 5th Floor 2500 Tulare Street Fresno, California 93721 JUDGE: Honorable René Lastreto, II

B501 - Pre-petition Consultation and Fact Gathering

Applicant consulted with the debtors prior to the filing of the bankruptcy.

Total Hours: 2.20 / Total Fees: \$715.00

B502 - Preparation of Voluntary Petition, Schedules and Form 22C

Applicant prepared all necessary documents for the filing of this bankruptcy matter.

Total Hours: 3.60 / Total Fees: \$822.00

B503 – Independent Verification of Information

Applicant exercised due diligence in preparing and verifying the facts necessary to prepare the bankruptcy petition and other documents for the filing of the bankruptcy. Applicant also researched legal issues affecting the bankruptcy filing, and worked with the debtor and non-bankruptcy counsel to verify pertinent facts and apply relevant law.

Total Hours: 7.00 / Total Fees: \$2,101.00

B510 – 341 Preparation and Attendance

Applicant appeared with debtor at the 341 meeting of the creditors.

Total Hours: 2.50 / Total Fees: \$850.00

B520 - Claim Administration and Claim Objections

Applicant reviewed and analyzed the Notice of Filed Claims filed in this case, and communicated with the debtor regarding the same.

Total Hours: 0.40 / Total Fees: \$71.00

B530 - Original Plan, Hearings, Objections

Applicant prepared the original plan with the documents initiating this bankruptcy. After the filing, Applicant reviewed and approved the order confirming plan.

Total Hours: 0.10 / Total Fees: \$34.00

B570 – Fee Application

Applicant prepared this instant application for fees and expenses.

Total Hours: 3.80 / Total Fees: \$743.00

B580 – Discharge and Case Closing

The Chapter 13 trustee has informed Applicant that this case is ready to close after payment of administrative expenses, so the debtors' last payment in this Chapter 13 plan is scheduled to be paid in the near future. At that time, Applicant will be required to expend additional time to assist the debtors with case closing issues. Case closing work is performed by attorney Gabriel J. Waddell, whose current billing rate is \$280.00 per hour, and Applicant believes that a reasonable estimate for the time necessary to assist debtors with case closing is 2.0 hours.

Applicant has significant experience closing Chapter 13 cases. Based on that experience, Applicant estimates that the work which Applicant will do for the debtor includes, but is not necessarily limited to, the following:

- Review of notice of completed plan payments, communication with clients regarding same, and case closing review and memorandum regarding deadlines and tasks for case closing (approximately 0.5 hours).
- Preparation of the statement required by 11 U.S.C. § 1328, and communication with the debtors regarding the same (approximately 0.5 hours).
- Review of trustee's final report and other communication from the trustee, the discharge entered, and the final decree, and communication with debtors regarding the same (approximately one hour).

ESTIMATED Total Hours: 2.0 / Total Fees: \$560.00

B590 – Case Administration

Applicant communicated with the debtor regarding various case issues, and prepared a necessary change of address.

Total Hours: 1.50 / Total Fees: \$424.00

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Michelle Miller
466 Laverne Avenue
Clovis, CA 93611

Statement Date: February 22, 2017

Statement No. 3181

Account No. 3365.00

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Professional Services

					Rate	Hours	
12/14/2015	PLF	B501	A111	Consultation with potential client regarding bankruptcy.	325.00	0.60	195.00
	PLF	B503	A111	Research issues regarding rejecting option to purchase; e-mail to Michelle Miler regarding same.	325.00	1.50	487.50
12/15/2015	PLF	B503	A111	Review and respond to e-mail from Cuttone's office; analyze issues regarding same; e-mail to Michelle Miller regarding same.	325.00	1.90	617.50
12/17/2015	PLF	B501	A111	Telephone call with Michelle Miller regarding options/issues; Telephone call with Dorothy Miller (client's mother) regarding same; e-mail to Michelle Miller regarding same; analyze potential case issues.	325.00	1.60	520.00
01/04/2016	PLF	B590	A111	Telephone call with client regarding case issues.	340.00	0.40	136.00
01/27/2016	KTW	B502	A111	Meet with client regarding documents for filing.	150.00	1.00	150.00
03/25/2016	KTW	B503	A111	Review documents and petition in preparation of signing.	150.00	1.20	180.00
03/28/2016	PLF	B503	A111	Review documents, including recorded documents, for Chapter 13 filing; revise schedules regarding same.	340.00	2.40	816.00

Michelle Miller
Account No. 3365.00

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					Rate	Hours	
	PLF	B502	A111	Meet with clients to sign bankruptcy documents.	340.00	1.80	612.00
	KTW	B502	A111	Analyze issues regarding deeds of trust on house.	150.00	0.60	90.00
	KTW	B502	A111	Prepare and file petition and accompanying documents.	150.00	0.20	30.00
04/05/2016	GJW	B590	A111	Letter to client regarding debt collection evidence recording.	260.00	0.10	26.00
04/07/2016	PLF	B590	A111	Telephone call with client regarding case issues.	340.00	0.30	102.00
04/18/2016	PLF	B510	A111	Telephone call with client regarding 341a meeting.	340.00	0.40	136.00
05/10/2016	PLF	B510	A111	Prepare for meeting of creditors; Travel to/from courthouse; Attend 341 meeting with client.	340.00	2.10	714.00
05/12/2016	PLF	B530	A111	Review and approve as to form order confirming plan.	340.00	0.10	34.00
05/16/2016	PLF	B590	A111	Telephone call with Michelle Miller regarding mortgage payment.	340.00	0.20	68.00
10/14/2016	PAS	B590	A111	Review & analyze compliance with notice requirements of local rules & draft notice for same.	180.00	0.10	18.00
10/25/2016	KTW	B520	A111	Analyze issues regarding notice of filed claims.	150.00	0.30	45.00
	GJW	B520	A111	Letter to client regarding Notice of Filed Claims.	260.00	0.10	26.00
11/07/2016	PAS	B590	A111	Draft Notice of Change of Address.	180.00	0.10	18.00
11/29/2016	GJW	B590	A111	Review documents and analyze issues regarding trustee's interim report.	260.00	0.10	26.00
12/02/2016	KTW	B570	A111	Prepare fee application and accompanying documents.	150.00	0.70	105.00
12/16/2016	GJW	B570	A111	Review documents and analyze issues regarding correspondence from trustee, fee application, case closing.	260.00	0.20	52.00

Michelle Miller
Account No. 3365.00

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					Rate	Hours	
12/20/2016	KTW	B570	A111	Analyze issues regarding fee application and case closing; update fee application.	150.00	0.20	30.00
	KTW	B590	A111	Prepare letter to Chapter 13 Trustee regarding case closing and fee application.	150.00	0.20	30.00
01/17/2017	KTW	B570	A111	Analyze issues regarding status of fee application.	180.00	0.10	18.00
	GJW	B570	A111	Prepare fee application; draft narrative, review documents, and analyze issues regarding same.	280.00	0.70	196.00
01/24/2017	KTW	B570	A111	Edit fee application and exhibits.	180.00	0.30	54.00
02/22/2017	KTW	B570	A111	Finalize fee application and all exhibits.	180.00	1.60	288.00
				For Current Services Rendered		21.10	5,820.00

Fee Summary

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Peter L. Fear	5.60	\$325.00	\$1,820.00
Peter L. Fear	7.70	340.00	2,618.00
Gabriel J. Waddell	0.50	260.00	130.00
Gabriel J. Waddell	0.70	280.00	196.00
Katie Waddell	4.40	150.00	660.00
Katie Waddell	2.00	180.00	360.00
Peter A. Sauer	0.20	180.00	36.00

Total Current Work 5,820.00

Payments

01/27/2016	Payment	-200.00
12/02/2016	Payment	-2,635.00
	Total Payments	-2,835.00

Balance Due \$2,985.00

Task Code Summary

		<u>Fees</u>	<u>Expenses</u>
B501	Pre-petition Consultation and Fact Gathering	715.00	0.00
B502	Preparation of Voluntary Petition, Schedules & Form 22C	882.00	0.00
B503	Independent Verification of Information	2101.00	0.00
B510	341 Preparation and Attendance	850.00	0.00
B520	Claim Administration and Claim	71.00	0.00

Michelle Miller
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	<u>Fees</u>	<u>Expenses</u>
B530 Original Plan, Hearings, Objections	34.00	0.00
B570 Fee Applications	743.00	0.00
B590 Case Administration	424.00	0.00
B500 Chapter 13 Bankruptcy	5,820.00	0.00

Trust Funds

01/27/2016	Payment	2,635.00
12/02/2016	Payment	-2,635.00
	Ending Trust Funds Balance	\$0.00

Date: 02/22/2017

Detail Fee Task Code Billing Report
Report by Project Category for Fee Application
Fear Waddell, P.C.

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Trans Date	Tmkr	Rate	Hours to Bill	Amount	
Client ID 3365.00 Miller/Michelle					
12/14/2015	1	325.00	0.60	195.00	Consultation with potential client regarding bankruptcy.
12/17/2015	1	325.00	1.60	520.00	Telephone call with Michelle Miller regarding options/issues; Telephone call with Dorothy Miller (client's mother) regarding same; e-mail to Michelle Miller regarding same; analyze potential case issues.
Subtotal for Phase ID B501		Billable	2.20	715.00	Pre-petition Consultation and Fact Gathering
01/27/2016	4	150.00	1.00	150.00	Meet with client regarding documents for filing.
03/28/2016	1	340.00	1.80	612.00	Meet with clients to sign bankruptcy documents.
03/28/2016	4	150.00	0.60	90.00	Analyze issues regarding deeds of trust on house.
03/28/2016	4	150.00	0.20	30.00	Prepare and file petition and accompanying documents.
Subtotal for Phase ID B502		Billable	3.60	882.00	Preparation of Voluntary Petition, Schedules & Form 22C
12/14/2015	1	325.00	1.50	487.50	Research issues regarding rejecting option to purchase; e-mail to Michelle Miller regarding same.
12/15/2015	1	325.00	1.90	617.50	Review and respond to e-mail from Cuttione's office; analyze issues regarding same; e-mail to Michelle Miller regarding same.
03/25/2016	4	150.00	1.20	180.00	Review documents and petition in preparation of signing.
03/28/2016	1	340.00	2.40	816.00	Review documents, including recorded documents, for Chapter 13 filing; revise schedules regarding same.
Subtotal for Phase ID B503		Billable	7.00	2,101.00	Independent Verification of Information
04/18/2016	1	340.00	0.40	136.00	Telephone call with client regarding 341a meeting.
05/10/2016	1	340.00	2.10	714.00	Prepare for meeting of creditors; Travel to/from courthouse; Attend 341 meeting with client.
Subtotal for Phase ID B510		Billable	2.50	850.00	341 Preparation and Attendance
10/25/2016	4	150.00	0.30	45.00	Analyze issues regarding notice of filed claims.
10/25/2016	2	260.00	0.10	26.00	Letter to client regarding Notice of Filed Claims.
Subtotal for Phase ID B520		Billable	0.40	71.00	Claim Administration and Claim
05/12/2016	1	340.00	0.10	34.00	Review and approve as to form order confirming plan.
Subtotal for Phase ID B530		Billable	0.10	34.00	Original Plan, Hearings, Objections
12/02/2016	4	150.00	0.70	105.00	Prepare fee application and accompanying documents.
12/16/2016	2	260.00	0.20	52.00	Review documents and analyze issues regarding correspondence from trustee, fee application, case closing.
12/20/2016	4	150.00	0.20	30.00	Analyze issues regarding fee application and case closing; update fee application.
01/17/2017	4	180.00	0.10	18.00	Analyze issues regarding status of fee application.
01/17/2017	2	280.00	0.70	196.00	Prepare fee application; draft narrative, review documents, and analyze issues regarding same.
01/24/2017	4	180.00	0.30	54.00	Edit fee application and exhibits.
02/22/2017	4	180.00	1.60	288.00	Finalize fee application and all exhibits.
Subtotal for Phase ID B570		Billable	3.80	743.00	Fee Applications
01/04/2016	1	340.00	0.40	136.00	Telephone call with client regarding case issues.
04/05/2016	2	260.00	0.10	26.00	Letter to client regarding debt collection evidence recording.
04/07/2016	1	340.00	0.30	102.00	Telephone call with client regarding case issues.
05/16/2016	1	340.00	0.20	68.00	Telephone call with Michelle Miller regarding mortgage payment.
10/14/2016	6	180.00	0.10	18.00	Review & analyze compliance with notice requirements of local rules & draft notice for same.
11/07/2016	6	180.00	0.10	18.00	Draft Notice of Change of Address.
11/29/2016	2	260.00	0.10	26.00	Review documents and analyze issues regarding trustee's interim report.
12/20/2016	4	150.00	0.20	30.00	Prepare letter to Chapter 13 Trustee regarding case closing and fee application.
Subtotal for Phase ID B590		Billable	1.50	424.00	Case Administration
Total for Client ID 3365.00		Billable	21.10	5,820.00	Miller/Michelle
GRAND TOTALS					
	Billable		21.10	5,820.00	

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Michelle Miller
466 Laverne Avenue
Clovis, CA 93611

Statement Date: February 22, 2017

Statement No. 3182

Account No. 3365.00

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Expenses

12/22/2015			Postage	3.18
03/28/2016	B110	E103	Filing Fee	310.00
04/04/2016			Postage	0.49
04/05/2016			Postage	0.49
04/22/2016			Postage	2.83
04/25/2016			Postage	0.47
08/19/2016			Postage	1.36
11/22/2016	B110	E101	Copying	4.20
11/22/2016	B110	E108	Postage	1.88
01/26/2017	B110	E108	Postage	0.68
02/22/2017	B110	E101	Estimated Copying for Fee Application	19.50
02/22/2017	B110	E108	Estimated Postage for Fee Application	9.58
			Total Expenses	354.66

Total Current Work 354.66

Balance Due \$354.66

Task Code Summary

		<u>Fees</u>	<u>Expenses</u>
	*** Task Code Not Found ***	0.00	8.82
B110	Case Administration	0.00	345.84
B100	Administration	0.00	354.66

Trust Funds

01/27/2016	Payment	2,635.00
	Ending Trust Funds Balance	\$2,635.00

FEAR LAW GROUP, P.C.

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Gabriel J. Waddell, Esq.
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**ATTORNEY-CLIENT FEE AGREEMENT
BANKRUPTCY-CHAPTER 13**

1. IDENTIFICATION OF PARTIES:

This agreement, executed in duplicate with each party receiving an executed original, is made between the Fear Law Group, P.C., 7750 N. Fresno Street, Ste. 101, Fresno, California 93720, here and after referred to as "attorney" and Michelle Miller, referred to here and after as "client". The provisions of this agreement are intended to be consistent with the requirements of Business and Professions Code Sec. 6148.

2. SERVICES TO BE PROVIDED:

Client hereby retains the law attorney to provide services for a Chapter 13 debt rescheduling with the objective of obtaining confirmation of a Chapter 13 debt payment plan. Attorney is being retained to undertake all routine efforts to obtain confirmation, regardless of whether or not a plan is actually confirmed, an attorney makes no guarantee that a plan will be confirmed. Attorney shall be responsible for representing the debtor on all matters arising in the Chapter 13 case, including motions for relief in the automatic stay, motions to avoid liens, objections to claims, and adversary proceedings, unless otherwise agreed. Attorney will not be representing Client in any non-bankruptcy matter.

3. TERMINATION OF LEGAL REPRESENTATION:

Representation by attorney may be terminated due to client's inability to pay additional legal services, lack of feasibility of the plan, lack of client cooperation, failure of client to perform his or her duties, bad faith on the part of the client, or other good cause. Attorney may refuse to undertake services which, in the opinion of attorney, are not feasible, practical, necessary, ethical or well founded in fact or law, or which would unnecessarily add to the expense of the case. In some instances client may need to consult an outside professional, i.e., a CPA, Family Law Attorney, Tax Attorney, Probate Attorney depending on the matter that may arise from the Chapter 13 filing. This agreement is only effective to bind attorney as long as bankruptcy law remains unchanged and client returns the questionnaire with 14 days of the date attorney signs this agreement.

4. FEES:

Pre-Petition Fee: The fees for this Chapter 13 case are broken into two parts, the pre-petition minimum fee and the post-petition fees. The pre-petition fee is a minimum fee to cover services prior to the filing of the bankruptcy case, and is earned upon receipt and is non-refundable. The pre-petition minimum fee will be drawn down by the attorney prior to filing of the bankruptcy case. Attorney will keep track of billable hours spent on the case pre-petition at Attorney's hourly rates at the time services are provided. Should the amount of the time spent on the case pre-petition exceed the pre-petition minimum fee, Attorney will seek authorization for those fees to be paid through the Chapter 13 Plan as provided below. The amount of the pre-petition fee is \$2,525.00. This amount, plus the court filing fee of \$310, for a total of \$2,835.00, must be paid in full before the case is filed. The post-petition fees will be handled either pursuant to the court's no-look fee system or they will be hourly. This will be decided and agreed to by Attorney and Client before the Chapter 13 Plan is signed, and the method that will be used will be noted in the Chapter 13 Plan. Attorney will explain to Client the reasons why a particular method is better than the other for any particular case.

No-Look Fee: If the post-petition fees will be handled pursuant to the court's no-look fee, the attorney fee will be the maximum no-look provided for by the court's guidelines for no-look fees. (The pre-petition fee stated above counts toward the no-look fee.) This amount will be stated in a subsequent agreement called the "Rights and Responsibilities of Debtors and Their Attorneys." There may be fees in addition to this amount that could be paid through the Chapter 13 plan pursuant to the Court's Rules, Guidelines and the Chapter 13 Plan. See below for an example of the types of services that might require additional fees. Pursuant to the Court's Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases, if the case is dismissed before confirmation, to the extent funds are available, the Chapter 13 Trustee will pay one-half of the agreed-upon fee to Attorney. If the case is dismissed pre-confirmation and funds are not available to fully pay Attorney one-half of the agreed-upon fee, Client agrees to pay Attorney the balance. If the case is dismissed for any reason after confirmation and before discharge is granted, client agrees to pay attorney the minimum fee, plus expenses incurred by attorney and an amount sufficient to compensate attorney at his normal hourly rate if the minimum fee is insufficient to do so. If the case is converted to another chapter, Client agrees to pay Attorney the balance of the agreed-upon fee in full upon conversion and agrees to pay Attorney his regular hourly rate for all work on the case thereafter.

Hourly: If, on the other hand, post-petition fees will be handled on an hourly basis, Attorney will keep track of billable hours spent on the case post-petition and will seek court approval for payment of those fees and any expenses incurred by Attorney in the representation of Client. All fees will be at Attorney's hourly rates at the time services are provided. Absent agreement to the contrary, upon court approval those fees will be paid out of the funds Client pays to the Chapter 13 Trustee or funds held in trust by Attorney for Client. If pre-petition fees have been incurred over the pre-petition minimum fee, Attorney will also seek authorization for those fees above the minimum fee to be paid as part of a post-petition fee application.

5. RIGHT TO RAISE OBJECTION TO FEES:

The client has the right to object to any fees or expenses billed in the case. The client may raise any objection he or she has with the attorney. Furthermore, in the event attorney is required to make a court approval of fees, the client has the right to appear at the court hearing and voice any objections he or she may have regarding them. However, attorney would ask that any such objections be brought to the personal attention of Mr. Fear first, to give him the opportunity to discuss them with client before being transmitted to the Court or the U.S. Trustee's office.

6. NON-REFUNDABLE FEES:

Consultation fees, if any, are non-refundable. In the event client changes his or her mind before research or paper work or other services are started, the sum of \$375 of the retainer shall be non-refundable for a consumer case, and \$500 for a Business Case. If services are started and the client changes his/her mind before filing, an additional fee of \$250 will be non-refundable in addition to the hourly fees for services. If paperwork has been started or finished and client requests a refund, attorney will prepare an itemized invoice of all services performed; there may or may not be a refund depending on the amount of work performed.

7. SECURITY FOR BALANCE OF COMPENSATION AND EXPENSES:

a) Payment of Fees if Case is Dismissed:

If Clients' petition is dismissed or is converted to a petition under Chapter 7 prior to confirmation, Clients agree that any funds paid to the trustee shall be distributed directly to the Law Offices of Peter L. Fear pursuant to 11 U.S.C. §1326(a)(2).

b) Permission to cash trustee checks for unpaid fees:

Some cases are dismissed before the balance of attorney's fees, if any, have been paid through the plan. In such event the trustee will usually mail, care of our office, a refund check made payable to client. If this case is dismissed before confirmation, client grants attorney permission to endorse and deposit such checks into attorneys trust account and to withdraw from such fees the balance owed on attorneys fee and cost for this case. Any balance shall be remitted to client.

c) Lien against funds on deposit:

Client hereby gives the attorney a security interest and lien in any funds on deposit with attorney, or being held by a bankruptcy trustee, on account of legal fees and expenses, pursuant California Commercial Code Sec. 9305.

8. ADDITIONAL FEES:

Attorney may charge additional fees for special, unusual, unforeseen, complex, non-routine or time-consuming tasks. Examples of such tasks include (but are not limited to) the following:

- a) **CHANGES:** Additions, deletions, changes or any amendments to papers before or after the petition or plan is filed;
- b) **COURT APPEARANCES:** Additional court appearances or meetings of creditors made necessary by client's request, client's failure to appear at scheduled court

appearances, client's failure to perform duties or provide requested documents or information prior to the hearing, or unforeseen problems of any nature causing a hearing to be continued to another date.

- c) **DISPUTED MATTERS:** Any aspect of the case that is contested in court or is in response to an investigation, motions, objection, adversary matters or conduct by creditors (e.g. RELIEF FROM STAY HEARINGS, MOTIONS TO DISMISS THE CASE, RULE 2004 EXAMINATIONS, OBJECTIONS TO CLAIMS, OBJECTION TO CONFIRMATION, DEALING WITH CREDITORS WHO VIOLATE THE AUTOMATIC STAY, ETC.) or matters that require Attorney to litigate or negotiate with creditors, the trustee or others, or file motions, objections or complaints, or respond to motions, objections or complaints in order to settle the disputes, or requiring assistance at rest of client to resolve problems not part of the ordinary bankruptcy processing routine.
- d) **DIVORCE:** If after the attorney is retained by client, clients experience marital problems which lead to divorce, a marital separation or otherwise cause attorney to expend additional time counseling the clients individually, there will be an additional charge on the initial retainer fee. If the marital problems cause an actual conflict of interest the firm shall be released as attorney for both clients.
- e) **UNCOOPERATIVE CREDITORS:** Client must be aware that a creditor, including a mortgage holder, judgment creditor, the IRS or others may violate the automatic stay and attempt to collect a pre-petition debt from you. The firm cannot guarantee that creditors will obey the bankruptcy laws. Efforts required to bring uncooperative creditors into compliance may incur additional fees. Please remember that you should not use any credit cards and should not make any payments on credit card accounts after retaining this office.
- f) **TIME CONSUMING TASKS:** All time is billable. The estimated fee quoted in this fee agreement is based on the average amount of time required to process a routine case. However, any task, whether routine or non routine, requiring an unusual amount of time to complete will incur billable time which may exceed the estimated fee.

9. FEE RATES:

All billable time will be subject to court approval, and shall be billed at the rate of \$310 per hour for attorney time. This rate may be adjusted periodically, usually at the beginning of every year. Any emergency filing, or filing that is prepared on a weekend, evening or holiday will incur additional fees. For such services will be an additional \$25 over the regular hourly fee. For purpose of this paragraph (evening) shall be any work after 5:30 p.m.

10. COURT APPROVAL:

Additional fees shall not be charged by attorney unless approved by the bankruptcy court.

11. DISCLAIMER OF GUARANTEE:

Although attorney may offer an opinion of possible results regarding the subject matter of this agreement, attorney cannot guarantee any particular result. Client acknowledges that attorney has made no promises about the outcome and that any opinion offered by attorney in the future will not constitute a guarantee. Where the filing is an emergency filing and taxes are owed but the amounts of discharge ability are uncertain, client agrees to waive all responsibility to the firm for any tax amount discrepancies or failure to discharge that may arise after filing. This applies to all emergency cases.

12. PRE-FILING CREDIT COUNSELING AND POST-FILING DEBTOR EDUCATION:

Please remember that you will need to complete a credit counseling course before your bankruptcy case can be filed. Our clients have had good results using the credit counseling offered by Springboard (www.bkhelp.org, 888-425-3453) or Cricket Debt Counseling (www.cricketdebt.com, 866-719-0400). We will need to file a certificate with the court demonstrating that you have complied with this requirement. After filing your bankruptcy petition, you will need to complete a financial education course. You can use the same companies mentioned above. A certificate proving that you have completed the financial education course must be filed no later than 45 days after the meeting of creditors (usually held about 35 days after your petition is filed). Consequently, you should complete the financial education course as soon as possible and provide me with the certificate no later than 30 days after your petition is filed or at least before your meeting of creditors.

13. NOTICE REGARDING FUNDS IN BANK OR CREDIT UNION ACCOUNTS:

You will not want to have any more than a nominal amount of money on deposit with financial institutions to whom you owe money at the time of bankruptcy, so that they do not freeze your accounts upon learning that you have filed bankruptcy. If you have an account at a credit union, please let me know as you may need to close that account before filing bankruptcy.

14. RECEIPT OF NOTICES:

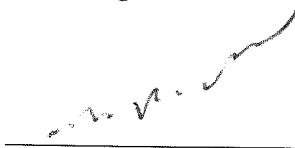
By signing below, you are acknowledging receipt from Attorney at the time this contract was provided of the following notices:

1. BAPCPA REQUIRED NOTICE NO. 1 (§ 342(b)(1) and 527(a)(1) of the Bankruptcy Code)
2. BAPCPA REQUIRED NOTICE NO. 2 (§ 527(a)(2) of the Bankruptcy Code)
3. BAPCPA REQUIRED NOTICE NO. 3 (§ 342(b)(2) of the Bankruptcy Code)
4. BAPCPA REQUIRED NOTICE NO. 4 (§ 527(b) of the Bankruptcy Code)

15. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY:

If any provision of this agreement is held in whole or in part to be unenforceable for any reason the remainder of that provision and of the entire agreement will be severable and remain in effect.

Date: _____



Michelle MillerDate: 2/1/16

FEAR LAW GROUP, P.C.

By: 

Peter L. Fear

Fear Waddell, P.C.
Peter L. Fear, No. 207238
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA FRESNO

In re:

MICHELLE MILLER,

Debtor(s).

Case No.: 16-11024-B-13

DC NO: FW-1

Chapter 13

EXHIBIT F: CONSENT TO FINAL
APPLICATION FOR PAYMENT OF FEES AND
EXPENSES PURSUANT TO 11 U.S.C. §330

DATE: May 25, 2017

TIME: 1:30 p.m.

**PLACE: U.S. Courthouse, 5th Floor
2500 Tulare Street
Fresno, California 93721**

JUDGE: Honorable René Lastreto, II

I, MICHELLE MILLER, am a debtor in the above-entitled matter. I have read the fee application of FEAR WADDELL, P.C. and approve the same.


MICHELLE MILLER, Debtor


Date